

Wm. C. Brown, Jr.
Gregg Court Reporting Series

Gregg Notes

No. 1

The Shorthand Notes for
Gregg Dictation No. 1



Theodora Nelson

Gregg Court Reporting Series

GREGG NOTES
NO. 1

The Shorthand Notes for
Gregg Dictation No. 1

CONTENTS

Simple Testimony	3
Real Estate Testimony	14
Jury Charge—Assault and Battery	27
Jury Charge—Employers' Liability	29

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INTRODUCTION

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In using the plates readers who are familiar with recent improvements of the system will detect here and there some forms that are not strictly up-to-date, but there are so few of these that we do not believe they will detract materially from the value of the practice material.

In most of these plates the dot is used for the word *and*, but we are of the opinion that the stroke form for this word should be given preference. Several expert writers have recently expressed regret that they had adopted the dot for *and*, as the apparent saving is more than counterbalanced by the drawbacks and it is now difficult for them to overcome the habit they have formed. While brief to the eye, a dot necessarily means an abrupt pause, while the easy curve keeps the hand moving forward, and what is even more important, permits of many useful phrases. The greatest objection to the use of the dot for *and*, however, is that it is so elusive. It may escape the eye in transcribing, or a speck in the paper may be read as *and*, and thus give a wrong impression of the construction of the sentence.

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THE GREGG PUBLISHING COMPANY

Simple Testimony—I

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Simple Testimony—II

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Simple Testimony—IV

[illegible]

Simple Testimony—VI

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Simple Testimony—VII

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Thodora Nelson

Simple Testimony—IX

[illegible]

Simple Testimony—X

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Real Estate Testimony—V

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Real Estate Testimony—VII

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Real Estate Testimony—IX

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Real Estate Testimony—XIII

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Jury Charge—Employers' Liability—I

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Jury Charge—Employers' Liability—II

1. The first question for the jury is whether the
 defendant was negligent in the management of the
 business. If the jury find that the defendant was
 negligent, then the second question is whether the
 negligence was the proximate cause of the injury.
 If the jury find that the negligence was the proximate
 cause, then the third question is whether the injury
 was a direct result of the negligence. If the jury find
 that the injury was a direct result, then the fourth
 question is whether the injury was a result of the
 negligence. If the jury find that the injury was a
 result of the negligence, then the fifth question is
 whether the injury was a result of the negligence.

2. The second question for the jury is whether the
 defendant was negligent in the management of the
 business. If the jury find that the defendant was
 negligent, then the second question is whether the
 negligence was the proximate cause of the injury.
 If the jury find that the negligence was the proximate
 cause, then the third question is whether the injury
 was a direct result of the negligence. If the jury find
 that the injury was a direct result, then the fourth
 question is whether the injury was a result of the
 negligence. If the jury find that the injury was a
 result of the negligence, then the fifth question is
 whether the injury was a result of the negligence.



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No. 1

The Key to the Shorthand in
Gregg Notes No. 1



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NO. 1

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CONTENTS

Simple Testimony	5
Real Estate Testimony	15
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Simple Testimony

WORDS

JOE METZER

called as a witness on behalf of the people, being first duly sworn, testified as follows:

DIRECT EXAMINATION

by Mr. Daniels

Q. What/ is your name? A. Joe Metzger.

Q. Where do you live, Mr. Metzger? A. 4608 South Robey street.

Q. Chicago, Illinois?/ A. Yes.

Q. Do you live in the front or the rear? A. In the rear.

Q. On the first or second floor? A. Second/ floor.

Q. What is your business? A. I work for Armour & Company.

100 Q. Do you know a man by the name of Hogan? A.// I do.

Q. Is this the gentleman here (indicating)? A. Yes.

Q. Where did he do business? A. He had business in the store on/ the first floor.

Q. 4608 South Robey street? A. Yes.

Q. Do you remember when the store was closed up last/ fall? A. The 18th of October last year the store was closed.

Q. How do you remember that it was the 18th of October? A./ I know that well.

Q. What did you see around the premises at that time? A. When it was closed?

200 Q. Yes. A. I saw// them tearing paper boxes out of the store.

Mr. Rayner: I move to strike out "them." That means nothing here.

Mr. Daniels: I am going/ to ask him in the next question.

Q. Who do you mean by "them"? A. Mr. Hogan and Mr. Simon.

Q. How do you remember,/ Mr. Metzger, that it was the 14th of October that you saw Hogan and Simon taking boxes out of the store? A. I remember it/ well as I wrote a letter to Europe on the 13th. I remember the date.

300 Q. What time on the 14th did you see Hogan// and Simon take these boxes out? A. Around six o'clock, about six-thirty.

Q. What were you doing at that time? A. I was going/ downstairs with coal.

Q. What time did you quit work? A. About a quarter of five.

Q. This was after you got back from your/ work, was it? A. I had my supper before I went down.

Q. Now, will you state to the Court and jury what Mr. Hogan/ was doing there when you saw him on that occasion? A. I saw him carrying boxes.

400 Q. Where was he carrying them from? A. They// were taking them from the store and taking them to the rear.

Q. And where did they put them in the rear? A. They were/ taking the boxes from the store.

Q. Where did they put them when they carried them from the store? A. They were putting them on/ the wagon.

Q. Do you mean Hogan was carrying them from the rear and putting them on the wagon?

Mr. Rayner: I object to that/ question, your Honor, what he means.

The Court: Ask him who he means by "they."

500 *Mr. Daniels:* Q. Who do you mean by "they"? A.// Hogan and Simon, and a third party, I do not know who he is.

Q. Where did they put them in the rear? A. On/ the wagon.

Q. Did you see a horse? A. No, I did not.

WORDS

Q. How many boxes did you see Hogan carrying out? A. About/ three or four boxes.

Q. How was he carrying them out? A. In his arms.

Q. One at a time or several? A. One at/ a time.

Q. How large were the boxes approximately? A. About this high (indicating).

Q. About how long? A. About that long (indicating).

600

Q. About// three feet? A. Yes.

Q. How many of that size did he take out? A. I saw three or four.

Q. Could you see what/ was in the boxes? A. No, I did not.

Q. Could you see whether they were empty or not?

Mr. Rayner: I object, your Honor./ He said he didn't see what was inside and he doesn't know whether they were empty or not. How could he tell whether or not/ they were empty?

Mr. Daniels: He might tell from the way they were carrying them.

700

The Court: I don't see how he can tell. You// may ask him if he could tell from the way they were carrying the boxes.

Mr. Daniels: Q. How did Hogan carry these boxes? A./ On his arm.

Q. Were the tops covered? A. Yes.

Q. How many boxes, if any, did you see on the wagon? A. I cannot/ exactly say how many, about eight or nine boxes. It was a very small space to look through.

Q. Did you see Hogan carry out/ anything else besides the boxes you have told us about on that day? A. No, I did not.

800

Q. What did you see, if anything,// on the next day? A. I saw the next day, it was Sunday the 15th about eight-thirty or nine o'clock, he was carrying boxes/ out.

Q. Who was carrying boxes? A. Hogan, Simon and a third party.

Q. Do you know who the third party was? A. No, I/ do not.

Q. Where did they carry the boxes from? A. From the store.

Q. And where were they taking them to? A. They were/ taking them out in the rear and putting them on the wagon.

900

Q. The same wagon you have told about on Saturday?. A. I think// it was the same wagon. I could not see very well.

Q. Was there a horse attached to the wagon? A. I did not see./

Q. How many boxes did you see Hogan carry out at the time you mention? A. I saw him carry out the same amount, two/ or three or four.

Q. Were they the same size as those you mention as being carried out on Saturday?

Mr. Rayner: I object to/ the question as leading.

Mr. Daniels: Q. What size did he carry out on Sunday? A. The same size.

1000

Q. What do you mean when// you say the same size? A. The same size and length, paper boxes.

Q. Were the boxes that he took out on Saturday wooden boxes/ or paper boxes? A. They were paper boxes.

Q. Were the boxes taken out on Sunday paper or wood? A. Paper.

Q. Did you see/ anything else around there on Sunday? A. No, I did not.

Q. How do you fix the time as eight-thirty in the morning? A./ I remember well as I had to go to church that morning and I looked at my watch several times.

1100

Q. What time do you// go to church? A. About ten-thirty or eleven.

Q. What time on that day? A. Between ten-thirty and eleven. I do not remember/ exactly.

- words Q. What were you doing when you saw Hogan take these boxes out?
A. I was going down for wood and while coming up/ I saw Hogan.
- Q. Did you see anything else happen around there on that day? A. No,
I did not.
- Q. When was the next/ time you saw anything happen around there?
A. On Monday.
- Q. The next day? A. Yes.
- 1200 Q. What did you see happen there on Monday?// A. The same thing,
I saw Hogan taking out boxes.
- Q. When did you come home from your work on Monday? A. At
half-past/ three.
- Q. Where did you see Hogan at that time? A. When I came home
I did not see him but I saw him after/ dinner.
- Q. What time of the day was that? A. About six or seven.
- Q. What was he doing at that time? A. He was/ carrying boxes.
- Q. Where was he carrying boxes from? A. From the store.
- 1300 Q. Where was he carrying them to? Where was he taking them// to?
A. He was taking them to the rear and putting them on the wagon.
- Q. What kind of a wagon? A. I cannot describe/ it; it was not red
and it was not black.
- Q. Was it a single-horse wagon or a two-horse wagon? A. I did/
not see any horses.
- Q. How many boxes did you see Hogan carry out there on Monday
around six or seven o'clock? A. About five/ or six boxes.
- Q. How large were those boxes? A. They were the same size as
he was carrying out on Sunday.
- 1400 Q. Indicate how// long they were. How long do you think the boxes
were? A. Three feet.
- Q. How many did he carry at one time? A. One/ box.
- Q. What did you see on the wagon, if anything? A. The same kind
of boxes.
- Q. How many boxes did you see on/ the wagon? A. Six or seven
boxes on the wagon. I could not see any more through the small space.
- Q. Did you see anything/ else on the wagon besides the boxes? A. No,
I did not.
- 1500 Q. Did you see the wagon move away? A. No, I did not.//
- Q. What were you doing at this time on Monday when you saw Hogan
take the boxes out of the house? A. I was carrying/ coal and wood up-
stairs.
- Q. How do you fix the time of day? A. Because we eat our supper
at six o'clock every day, and/ it was shortly after six.
- Mr. Daniels: That is all.

CROSS EXAMINATION

By Mr. Rayner

- Q. Mr. Metzger, you work for Armour & Company, do/ you? A. I do.
- Q. When do you quit work? A. Sometimes at four, other times at
four-thirty.
- 1600 Q. What time did you quit// on this Saturday, the 14th of October?
A. I worked until five o'clock.
- Q. How do you know you worked until five? A. I know/ because I
know the time of day I have quit.
- Q. Didn't you take out your watch to see what time you quit on Satur-
day?/ A. I looked at my watch all the time.
- Q. What? A. I looked at my watch all the time.
- Q. And what time did/ you get home on Saturday? A. About five-ten.

WORDS

1700

Q. Did you look at your watch when you got home? A. I did.

Q. What// did you do then, when you got home? A. I come home and washed myself, had my supper and went downstairs for coal.

Q. What/ time did you sit down for supper? A. About fifteen minutes of six.

Q. Did you look at your watch at the time you sat/ down to dinner? A. I did.

Q. What time did you finish your dinner? A. About five or six minutes after six.

Q. Did you/ look at your watch when you finished dinner? A. I have a clock on the table.

1800

Q. Did you look at the clock, or did// you look at your watch when you finished dinner? A. I had mine laying on the table and we have another one on the wall./

Q. Did you look at your watch or did you look at the clock as to the time you finished dinner? A. I looked at/ mine and at the clock on the wall.

Q. Were both the clock and the watch the same time? A. Yes.

Q. What did you/ do after you got through with your dinner? A. I went to get some coal.

1900

Q. What time did you start down to get some// coal? A. About ten or fifteen minutes after six.

Q. Did you look at your watch when you started down to get some coal? A./ I looked at my watch all the time.

Q. What time did you get back with the coal? A. I filled up the buckets with/ coal and I come back.

Q. How long were you gone to get coal from the time you went downstairs until you returned? A. I/ went downstairs, filled my buckets with coal and come back.

2000

Q. What time was it when you came back by your watch? A. It could// have been about half-past six.

Q. Did you look at your watch to see what time it was, whether it was six-thirty or/ not? A. I did.

Q. Where were you when you looked at your watch last when it was six-thirty? A. In the house.

Q./ What time did you see Hogan carrying out any boxes Monday evening? A. About the same time.

Q. What time was it? A. About six-/thirty, or five minutes earlier.

2100

Q. You testified in the case against Harris, didn't you, about two weeks ago before Judge Carpenter? A. Yes, I// did.

Q. Didn't you at that time say that it was between six-thirty and a quarter to seven that you saw Hogan carrying out/ boxes on Saturday night? A. I went for coal twice.

Q. That is not the question. How long after the first time that you went/ for coal did you go the second time? A. I come up once with a bucket and put it in the box and went down/ again for some more.

2200

Q. What time was it by your watch the second time you went down to get coal? A. It could have// been about six-thirty-five.

Q. Did you look at your watch? A. Yes, it was after seven.

Q. Did you look at your watch/ to see that it was after seven? A. Yes, I did.

Q. Did you put down in any book or any paper the different times/ that you looked at your watch on this Saturday evening? A. No, I remember it that way.

Q. Now was it the first or the/ second time that you went for coal that you saw Hogan carrying out any packages? A. The first and the second time. I saw him// both times.

2300

- WORDS Q. During how long a time were they carrying out boxes on Saturday? A. About thirty-five minutes.
- Q. Did you see him/ carry out boxes during those thirty-five minutes? A. Not all the time, just when I went for coal; I saw him every few minutes./
- Q. Did you testify in the Baskin cases that you went for coal twice on Saturday evening? A. I do not remember.
- 2400 Q. Now, you/ say, the wagon was standing in the rear? A. Yes.
- Q. Did you see the color of the wagon? A. I saw but I could// not see whether it was white or black or red. It was not very light.
- Q. Then as a matter of fact you didn't see/ the color of the wagon. A. No, I did not, as I did not stand by the wagon.
- Q. Did you see any horse? A./ No.
- Q. Did you see any harness? A. No.
- Q. How far away from the wagon were you? A. From there (indicating) to the wall./
- 2500 Q. Do you know how many feet that is? A. About ten or twelve feet.
- Q. You think it is not any farther than that?// A. I do not know.
- Q. Now, you saw the color of these boxes, didn't you? A. They weren't white and they weren't red.
- Q./ What color were the boxes? A. I have just told you.
- Q. Were there any white boxes there? A. No, I did not see any./
- Q. Didn't you testify in the Baskin cases that you saw white boxes on Saturday evening? A. No, I did not.
- Q. Did you see/ any green boxes there? A. Yes, sir, I did.
- 2600 Q. Did you see any blue boxes? A. There were different kinds of boxes, yes, sir.//
- Q. Did you see any blue boxes? A. There may have been a few.
- Q. Did you see any yellow boxes? A. They were all/ the same color.
- Q. Did you see any yellow boxes? A. I can't remember what color they were. I would not say black boxes, I/ would not say red boxes, and I would not say white boxes; they were different colors.
- Q. Did you see any yellow boxes? A. I/ cannot remember all that I have seen.
- 2700 Q. Now, give me the different colored boxes that you saw. A. They were different colors, but I// can't say as it was getting dark.
- Q. But every other color except black, white, and red, is that right? A. Yes.
- Q. All right./ Now, did you see these boxes in the wagon? A. I did.
- Q. Did you see the color of the boxes in the wagon? A./ I did not; it was dark.
- Q. What was that? A. It was getting dark.
- 2800 Q. I didn't ask you whether it was getting dark./ Did you see the color of the boxes on the wagon? A. The same as they were carrying out.
- Q. And you saw various colors// of boxes on the wagon, is that right? A. I saw the same boxes on the wagon as they were carrying.
- Q. Did you see/ the boxes as far as the color is concerned on the wagon while the boxes were on the wagon? A. The same as they were/ carrying, because I saw them putting them on the wagon.
- Q. Could you tell the color of the boxes when they were on the wagon?/ A. How is that?
- 2900 Q. Could you distinguish the color of the boxes on the wagon? A. I could not distinguish the color. They were// the same boxes they were carrying out from the store.
- Q. Now, what time did you go to church on Sunday? A. Half-past ten/ or eleven o'clock.
- Q. Did you look at your watch before you started for the church? A. I

WORDS looked at the watch but I don't/ remember whether it was half-past ten or eleven o'clock.

Q. Did you look at the watch when you got to church? A. When I/ come to church I looked at my watch.

Q. What time was it? A. Fifteen after eleven o'clock.

3000 Q. What time Sunday morning did you// see Hogan? A. Half-past eight or nine o'clock.

Q. Can't you give me the exact time? A. I can't exactly say the exact time/ but it was after eight and not later than nine.

Q. Well, you looked at your watch, didn't you? A. I looked at my watch,/ but I looked at it later. I can't exactly remember the minutes.

Q. Can you give me the exact time as far as you know/ when you saw the boxes being carried out Sunday morning? A. I cannot say exactly; it was half-past eight or nine o'clock.

3100 Q. Did// you see the wagon? A. I did.

Q. What was the color of the wagon? A. It was not white, it was not black—the/ color of my coat.

Q. What is the color of your coat? A. It is not gray and it is not black. I don't know/ what color it is.

Q. Did you see the horses? A. No, I did not.

Q. Were there any horses to the wagon? A. I/ did not see any horses.

Q. Did you see the harness? A. No, I did not.

3200 Q. Where were you when this occurred on Sunday// morning? A. I was carrying coal and wood.

Q. How many times did you carry coal and wood Sunday morning? A. Two times.

Q. How/ far apart in time did you carry coal and wood on Sunday morning? A. About a half-hour.

Q. Now, Monday, what time Monday did/ you see anything? A. I saw about half-past six or seven o'clock.

Q. Now, can you give me the exact time? A. About the/ same time, half-hour difference there, I don't know for certain.

3300 Q. How about seven o'clock? A. Before seven, ten, fifteen or twenty minutes before// seven.

Q. Did you look at your watch to see what time it was? A. I looked at the watch but I don't remember now/ what time it was.

Q. What did you look at your watch for? A. What have I got a watch for if I don't look/ at it?

Q. Can you give me some idea what time it was rather than that it was ten, fifteen or twenty before seven? A./ No, I do not remember. I know I looked at my watch about that time.

3400 Q. Did you expect to be called as a witness// here when you looked at your watch? A. No, I did not expect to be a witness. I didn't know anything.

Q. Did you make/ memoranda of what time it was on Monday evening? A. No, I did not.

Q. Where was the wagon? A. In the rear.

Q. Is/ there a fence at the end of the lot that 6408 is on, in the rear? A. Yes, there is. There/ are buildings standing in the rear.

Q. Was there anything between the wagon and you? A. A gangway that we walked out in.

3500 Q. Was// there any fence or house between you and the wagon? A. We look right through the gangway and see everything.

Q. Did you see any/ boxes on the wagon Monday evening? A. I saw the same as Saturday; they were carrying boxes out and putting them on the wagon.

Q./ What color was the wagon? A. It was not black, it was not white.

- WORDS Q. Well, what was the color? A. Same color as my/ coat.
Q. How many horses were hitched to that wagon? A. I didn't see any horses.
- 3600 Q. Did you see any harness? A. No, I// did not see any harness.
Q. Now, what color did you say that the boxes were on Monday evening? A. The boxes were the same/ color as they carried the two former days.
- Q. All except red, white, and black, is that right? A. Yes.
Q. And you made no/ memoranda, and you didn't write down the dates that you have testified to here? A. No, I did not.
- Q. You have talked about this/ case with your wife, haven't you, many times? A. Yes, we were talking about the case, but we didn't know we were going to be// called.
- 3700 Q. Did you talk with anybody about this case within the last two weeks? A. No. There is a store next door and they/ asked me about the case, and I told them I didn't know anything about it.
- Q. To whom did you say you didn't know anything/ about the case? A. To the storekeeper.
- Q. What storekeeper? A. The house adjoining ours.
- Q. When did you tell him you didn't know anything/ about this case, when was it? A. I have been over there every day.
- 3800 Q. When did you last tell this man anything about this// case? A. He was asking afterward about it and I always told him I didn't know anything about it.
- Q. Do you know the name/ of this man? A. Oszczawski.
- Q. Is he a countryman of yours? A. No.
- Q. Did you tell anybody else that you didn't know anything/ about this case? A. No, I did not.
- Q. Now with whom have you talked about this case last? A. I was not talking to/ anybody about it.
- Q. Did you talk with anybody about this case? A. Talked with Oszczawski and no one else.
- 3900 Q. And he is the// only man you talked to about this case? A. He was asking me questions about this case and I told him I didn't know anything/ about it.
- Q. Is he the only man you talked to about this case at any time? A. Yes.
- Q. And you told him you/ didn't know anything about it? A. Yes.

RE-DIRECT EXAMINATION

By Mr. Daniels

- Q. You told Mr. Oszczawski that you didn't know anything about it./ Why did you make that statement to him?
- 4000 A. Well, he was asking a lot of questions—asking me who was there and what I// saw and I didn't want to tell him.

MRS. ANNIE METZER

called as a witness on behalf of the people, having first been duly sworn,/ testified as follows:

DIRECT EXAMINATION

By Mr. Daniels

- Q. What is your name? A. Mrs. Annie Metzger.
- Q. Where do you live, Mrs. Metzger? A./ 4608 South Robey Street.

- WORDS Q. Do you live in the front or the rear? A. In the rear.
Q. On the/ first floor or the second floor? A. The second floor.
Q. Do you remember seeing anything around the premises there last
4100 fall? A. I remember.//
Q. What did you see there? A. I saw Hogan and Simon in the store
there.
Q. What were they doing? A. They were selling/ gents' furnishings,
gents' clothing.
Q. When was this that you saw them? A. In October.
Q. Is this the Mr. Hogan that you refer to/ (indicating)? A. Yes.
Q. Now, about what time in October did you see them there? A. In the
middle of the month of October.
Q./ And what were they doing? A. They were removing boxes from
the store.
4200 Q. What were they taking out? A. They were taking out boxes.//
Q. Where were they taking boxes from? A. From the store.
Q. And where did they place the boxes? Where did they take them to?/
A. They were carrying them to the rear of the house.
Q. Where did they put them when they took them to the rear of/ the
house? A. They were carrying them to the rear, but I didn't see where
they put them.
Q. What time of day was this/ that you saw them taking these boxes?
Mr. Rayner: Wait a moment. I object to that question.
The Court: Sustained.
4300 Mr. Daniels: Q. What time// of day was it that you saw Hogan and
Simon taking these boxes out?
Mr. Rayner: I object to that question.
The Court: I think/ there is a misunderstanding.
Mr. Daniels: I'll ask the question again.
Q. What did you see on about the middle of October as you/ have said,
take place on the premises there where you live? A. It happened that
Hogan and Simon were moving out from the store.
Q./ What were they moving out? A. They were taking boxes out.
4400 Q. Now when was this that you saw them taking boxes out of the//
store? A. The 14th of October.
Q. What day of the week was that, if you remember? A. It was on a
Saturday.
Q. Now/ where did they take these boxes that you say they took out
of the store? Where did they take them to? A. They were taken/ to the
rear of the store.
Q. And then what did they do with them? A. I didn't see them. I
only saw them take/ the boxes from the store.
The Court: Where were you when you saw this? A. I was going
for the coal under the store.
4500 Q.// Under what store? A. Under the store that they were taking the
boxes out from.
Q. Did you see this through the front of Hogan's/ store or the rear
of Hogan's store? A. From the rear, in the rear of the store.
Q. Were the boxes when you last saw/ them inside the store or outside
the store? A. In the store.
Q. Did you see any box in the alley? A. I have not/ seen the alley.
Q. You have not seen the alley? A. I have not seen the alley. I have
4600 not seen anything in the alley.//
Q. Did you see any boxes in the alley back of the store? A. I have not
seen nothing in the alley. I only saw/ the boxes outside as they carried
them from the store to the rear.

WORDS

Q. Where were the boxes when you saw Hogan packing them? A./ The boxes were in the store. They were taken from there and carried in the rear.

Q. In the rear of what? A. In the/ rear of the house behind the other house there.

4700 Q. Did he take the boxes out from the store, out of the store behind the// store, into the alley? A. Yes, sir, to that alley there.

Q. Did he put them down in the alley or in a wagon? A./ I have not seen that. I have not seen that.

Q. Now was this on the 14th of October, Saturday, that you are talking about?/ A. Yes, sir.

Q. How many boxes did you see Hogan carrying at the time? A. I have seen about three times.

Q. How large/ were these boxes? A. I have not measured them, but only saw them with my eyes.

CROSS EXAMINATION

By Mr. Rayner

4800 Q. Mrs. Metzger, what// day of the week was the 14th of October?
A. Saturday.

Q. Who told you it was the 14th of October? A. The husband told/ me.

Q. When did he tell you that? A. At the time I ask him he told me so.

Q. Did he ever tell you/ that it was the 14th of October, Saturday, after the first time he told you? A. Yes, sir; I asked him and he told me/ so.

4900 Q. How many times did you ask him what date it was that you saw the boxes carried on Saturday? A. Only once I// ask him.

Q. When? A. On Saturday, the 14th of October, at that time.

Q. Have you ever spoken to him since as to the/ time? A. Since I have not spoken to him.

Q. What date was last Saturday? A. The 9th.

Q. The 9th of what? A. The/ 9th of March.

Q. What was the Saturday before that? A. I don't remember.

Q. What date was Saturday, a week ago? A. February.

Q./ Last Saturday was the 9th of March, was it? A. The 9th.

5000 Q. Did any one tell you that? A. I have counted it up// myself. That is all I know.

Q. What day of the month was last Sunday? A. 17th.

Q. The Saturday before that was the 9th,/ is that right? A. Yes, sir.

Q. And the next day was the 17th? A. I don't know. The last Saturday was the 16th, but/ the previous Saturday was the 9th.

Q. Did you put down the 14th of October when your husband told you that? A. No, I didn't./

Q. And you remember that date from the fact that your husband told you that on the 14th? A. Yes, sir.

5100 Q. How long ago// was the 14th of October? A. Five months ago.

Q. You have studied that up too, since, haven't you? A. I figured it up.

Q./ When did you commence figuring it out? A. I counted it up on my fingers.

Q. When you and your husband talked about that, who/ began the conversation, you or your husband? A. I began the conversation.

Q. You talked with your husband about that affair, didn't you? A. At/ the time, yes.

WORDS Q. Did you talk with him after he got home on that Saturday? A. At
5200 that time I spoke to him about// it and asked what date it was and he
 told me.
 Q. Did you speak to him about what you saw? A. Yes, sir, I/ did.
 Q. How many times have you spoken with your husband since that
 time? A. I have not spoken to him since.
 Q. Have you/ spoken with any one about this case since the 16th of
 October, 1911? A. With my husband.
 Q. Do you occupy the front or/ the rear of upstairs? A. In the rear.
5298 Q. Can you see the alley from the rear? A. I can see by looking.

WORDS

Real Estate Testimony

Q. What is your name? A. Edward V. Lane.

Q. How old are you, Mr. Lane? A. I am fifty-eight years old.

Q. Where/ do you reside? A. 4724 North Central Avenue is the name of the street now.

Q. What is your occupation?/ A. Well, my occupation at the present time is buying and selling real estate.

Q. Do you buy and sell for yourself or for others/ or for both? A. I buy and sell for my own account and sometimes for others.

100 Q. How long have you been engaged in that// business? A. Well, for the last twelve years.

Q. Where is your present place of business? A. My present place of business is my residence,/ 4724 North Central Avenue. I have no office.

Q. How near is that to Milwaukee Avenue and Lunt Avenue? A./ About half a mile north.

Q. It is half a mile north of the corner of Milwaukee Avenue and Lunt Avenue? A. Well, yes; it/ is a few blocks west.

200 Q. Are you familiar with the property which is known as 4925 Lunt Avenue? A.// I think I am, yes, sir.

Q. The property at 4925 Lunt Avenue is located in that part of Chicago/ which is called Lakeview, is it not? A. It is a little west of there, yes, sir.

Q. You say it is west of Lakeview?/ A. Yes, sir.

Q. Well, it is west of Lakeview station you mean? A. Yes, sir.

Q. And isn't it generally in the suburbs of/ Lakeview? A. I don't think so. I think it is called West Irving Park.

300 Q. You say you are in the real estate business? A.// I am, yes, sir.

Q. How long have you been in the real estate business? A. Well, more or less for ten or twelve years./

Q. Have you bought and sold real estate in the vicinity of 4925 Lunt Avenue? A. Well, in the vicinity,/ I will say, yes, sir.

Q. Were you familiar or are you familiar with what the real estate values in that vicinity were in the/ fall of 1912? A. I think I am, yes, sir.

400 Q. Have you ever been in that house at 492//5 Lunt Avenue? A. Yes, sir; I have been in the house.

Q. When were you there? A. I was in there, I think, about/ a year ago and I was in there again this morning.

Q. Describe the house. A. Well, it is a two-story house; it has/ six rooms with a reception room and basement.

Q. How many rooms downstairs? A. Three rooms, I think, three rooms and reception room.

Q. How/ many rooms upstairs? A. Three rooms upstairs.

Q. Three bedrooms you mean? A. And an attic.

500 Q. What is the size of the rooms downstairs?// A. Well, I am not able to state the size of the rooms.

Q. What is the kind, character and quality of the finish, interior/ finish? A. Well, you mean as far as wood is concerned?

Q. Yes. A. Well that I couldn't testify to.

Q. You didn't notice? A./ I didn't notice that particularly, no, sir.

Q. Did you notice the foundation? A. I noticed the foundation, yes.

Q. What kind of a foundation/ is it? A. It is a brick foundation as I remember it.

600 Q. What were the general aspects of the house which you noticed? A.// Well, it was a very well-built house. It is not modern.

Q. What? A. It is not modern in its general aspects. A fairly/ good house I should say.

WORDS

Q. What in your opinion was the market value of that house and lot in the fall of 1912?/ A. I would say that the outside price for the frontage would be twenty dollars a foot.

Q. Yes. A. The house probably would sell/ for thirty-two hundred, possibly thirty-five.

Q. You mean the house alone or the house and the lot? A. The house and lot.

700

Q.// The house and lot would sell for that? A. It depends on circumstances.

Q. What do you figure it? A. I think the outside valuation/ would be thirty-five hundred dollars.

Q. Are you familiar with any other property in that vicinity which is for sale? A. Yes. I have/ lots for sale myself on the street north of there which I would be glad to sell for fifteen dollars a foot.

Q. Only one/ block from this property? A. Sir?

Q. It is only one block from this property? A. One block.

800

Q. Are the street improvements in on// the property you have? A. No; the street improvements are just the same as they are on this street.

Q. Is the property similarly situated?/ A. Very similar, yes, sir.

Q. Are you familiar with any houses and lots which are similar and for sale in that neighborhood? A. Well,/ not in that immediate neighborhood.

Q. But you said something about one block or two from there on the corner. A. Oh, that one house/ right on the corner, which I consider much better.

Q. A much better house and a much better lot? A. Yes, sir.

900

Q. Is there// any material difference between the values to-day and the values in the fall of 1912? A. Possibly they are a little more valuable to-day/ than they were then.

Q. This house that you speak of that can be bought for thirty-two hundred fifty dollars is the plaintiff's house,/ is it? A. Yes, sir.

Q. Is it painted green? A. Yes, sir.

Q. How does his house compare in size with the defendant's house?/ A. I think it is about the same. I have never been in the building.

1000

Q. You think it is a better house? A. Well,/ I think it is as good a house.

Q. Are you familiar with the house immediately to the west of the defendant's house? A. No,/ I am not.

Mr. Cox: You may take the witness.

CROSS EXAMINATION

by Mr. Smith

Q. Are you acquainted with the defendant in this case?/ A. No, never met the gentleman.

Q. When was the first time you met Mr. Moran? A. I think out here in the office to-day/ is the first time I ever met him.

1100

Q. How did you happen to come down here to testify here at this hearing? A. Why,/ I was requested to do so.

Q. By whom? A. Why, Mr. Lennard I think was his name.

Q. Who is Mr. Lennard? A. He/ is in the real estate business on the northwest side.

Q. Whereabouts? A. I think he is located at 4400 Milwaukee Avenue.

Mr. Smith: That is all.

WORDS

CHARLES P. HOYNE

called as a witness on behalf of the Defendant, having been first duly sworn, deposes and says:

DIRECT/ EXAMINATION

By Mr. Cox

1200 Q. What is your name and place of residence? A. Charles P. Hoyne, 4762 Lake Avenue, // Chicago.

Q. What is your age? A. Seventy past.

Q. Now, what is your business? A. I am in the real estate business.

Q. Where?/ A. Chicago.

Q. How long have you been engaged in the real estate business in Chicago? A. Well, more or less for forty-six years./

Q. Have you ever seen the property which is known as No. 4925 Lunt Avenue, in the city of Chicago?/ A. Yes, sir.

1300 Q. In what part of the city is that? A. Well, it is northwest.

Q. What is that district called? A. Lakeview// is the town or the suburb.

Q. In the suburb of Lakeview? A. Yes.

Q. Were you familiar with the values of real estate in/ the suburb of Lakeview, Chicago, in the fall of 1912, in the months of October and November? A. Yes, sir, in a general way./

Q. Well, now, how far is Irving Park Boulevard from there? A. Two or three miles.

1400 Q. Are you able to state what the reasonable/ value of the property known as 4925 Lunt Avenue, Chicago, was in November, 1912? A. Why, I think I// am a pretty good judge. Made most of my money that way.

Q. Have you had experience in trading, buying and selling property in that/ location? A. I have.

Q. You were familiar with the market in the fall of 1912, were you? A. Well, I don't know whether/ I was any more specially in 1912 than in 1913.

Q. But were you familiar with the conditions and market value of the/ property up in Lakeview? A. I think I am, yes.

1500 Q. And what that was in the fall of 1912? A. I think so, // yes.

Q. What in your opinion was the value of the property known as 4925 Lunt Avenue in November, 19/12? A. Well, I don't know since you pin me down to one month.

Q. Well, in the fall of 1912. Make it in/ the fall. A. I know what I was offered property in Lakeview for, but I never sold a piece of property in there. I declined/ property as good as this in Lakeview and went out to look at it.

1600 Q. When was this? A. About two or three years ago.//

Q. Do you know the figures at which the property was offered to you for purchase? A. Yes, sir.

Q. In Lakeview? A. Yes, sir./

Q. In 1912? A. I think it was 1912.

Q. Has there been any material change in the conditions from the time you/ were offered that property until now? A. I think the general tendency has been downward, if anything.

Q. Since the time you were offered that/ property? A. Yes, sir.

1700 Q. You say you were offered properties in Lakeview in 1911 that were better properties than this property in question?// A. Well, I should say as good.

Q. You would say as good? A. Yes, sir.

WORDS

Q. Well, basing your opinion upon your knowledge of/ the real estate market in Chicago for the past forty-five years and property which you were offered in Lakeview in 1911, what would/ you say was the value of the property in question in the fall of 1912? A. Oh, I should say twenty-five to twenty/-eight hundred dollars.

Mr. Cox: Take the witness.

CROSS EXAMINATION

by Mr. Smith

1800 Q. How long have you known the defendant in this case? A.// Possibly five years.

Q. Have you ever transacted any business for him? A. Yes, sir.

Q. How long ago? A. Accepted a lease to-day.

Q./ You handle properties for rental for the defendant in this town? A. Some.

Q. Handle any of his real estate transactions with reference to sales/ or purchases of property for him? A. We sold property for him.

Q. That would cover the period that you just mentioned of five years?/ A. Yes, sir.

Q. Do you know Mr. Edward V. Lane? A. I do not.

1900 Q. Have you ever seen the property in question? A.// I have.

Q. When did you first see it? A. I couldn't tell you when I saw it first.

Q. Have you any idea at/ all? A. I presume I have seen it half a dozen times.

Q. Well, covering a period of what? A. Two or three years.

Q./ In the last two or three years you have seen the property half a dozen times? A. I presume so.

Q. You have been in/ the house? A. Never been in the house but once.

Q. Did you go through the house at that time? A. I did.

2000 Q. From// basement to garret, we will say, or top floor? A. Well, all the living rooms.

Q. When you visited the property how did you go/ there, alone? A. No, sir.

Q. And who was with you, if anyone? A. Mr. Hughes.

Q. Anyone else? A. Mr. Evans.

Q. When were/ you there with Mr. Evans the last time? A. Saturday.

Q. Last Saturday? A. Yes, sir.

Q. Did you have a conversation with Mr. Evans/ at that time regarding the property? A. We were in company.

2100 Q. You had a talk with him regarding the property? A. I did. We// were there together.

Q. And went inside? A. And went inside.

Q. Mr. Evans laid before you the situation with reference to this lawsuit? A./ He did not.

Q. Nothing said about this lawsuit pending? A. I don't think so.

Q. The lawsuit which involved the property? A. I don't/ think it was alluded to. I knew, however, that there was a lawsuit.

Q. You knew it? A. Not on Saturday, no, sir.

Q. Prior/ to that you knew there was a lawsuit pending, involving that property? A. Yes.

2200 Q. Last Saturday did you tell Mr. Evans what you thought// the property was worth? A. I did not and he didn't ask me.

Q. At the same time you had a talk with him and/ you knew also that there was a lawsuit pending involving this property? A. On Saturday

WORDS I don't think the question of this property and its/ value came up in our conversation in going out there. I left him there. I came home without him. He might have come home another/ way.

2300 Q. Did you ever have this property for sale in your office? A. No, sir.

Q. Ever try to rent it? A. No, sir.//

Q. For Mr. Evans? A. No, sir.

Q. Were you acquainted with the property when Mr. Lennard owned it? A. I don't know him, never/ heard of him.

Q. Were you doing business in your office at that time? It was two years ago, three years ago. A. I think/ I was.

Q. Now, you said on your direct examination that you had never bought and sold property in Lakeview and particularly right in the/ locality there? A. Never bought a piece of property, never sold a piece of property.

2400 Q. In Lakeview? A. No, sir. I do plenty of// business a mile or two this side of it, however.

Q. And you have done business down in Irving Park? A. Yes, sir.

Q. Irving/ Park is an old-established residence district, isn't it? A. Well, it is a little better neighborhood than Lakeview. It is a little larger town./

Q. It is more built up? A. It is more built up. It was not, however, when my interests were in there.

2500 Q. Now, when/ you put a value of twenty-five to twenty-eight hundred dollars on that, what did you base that opinion on? Your general knowledge of// real estate? A. Well, yes.

Q. How old is that property? A. Well, it is old enough so that it is badly in need of/ paint and considerable repairs.

Q. Your knowledge of real estate, renting, and so forth, ought to let you make some definite determination of the age;/ how old do you say it is?

A. My knowledge of real estate would not tell me how long a nail has been driven in/ a board.

2600 Q. I know, but I, as a lawyer, can tell how old that real estate is. A. Well, lawyers are a good deal// brighter than I am.

Q. No, lawyers are no brighter. Can you fix the period? A. I should think it had been built twelve or/ fifteen years from the looks of it.

Q. Is the interior finish all soft pine? A. Oh, no. I didn't say soft pine. I said/ southern pine.

Q. I am trying to find out how long the house has been built and what is its present condition. A. It looks/ as though it has been built twelve or fifteen years.

2700 Q. Fifteen years? A. Well, I wouldn't swear to it because I am not a// judge.

Q. Fifteen years ago were you conversant with that territory up there? A. Somewhat.

Q. Fifteen years ago how many houses were there on/ that street? A. Well, it has grown some.

Q. Have you any recollection as to whether this house was out there fifteen years ago or/ not? A. No, my attention never was called to it at that time.

Q. What would you say was the front foot value of property/ in the immediate vicinity of this house? A. I wouldn't give twenty-five dollars for it.

2800 Q. What do you say is the value a// front foot? A. I wouldn't say over twenty-five dollars.

Q. How do values in Irving Park where you sold property compare with values in/ Lakeview? A. Well, I think that I have sold a house that I would rather have than this for twenty-eight hundred dollars in Irving/ Park.

- WORDS Q. That is not answering my question. A. Gentlemen, I can't tell you just what a house is worth.
- Q. Now, that is not/ the question I am asking you. A. Well, I have built them. We didn't lose any money on them.
- 2900 Q. I say, how about the// values of property in Irving Park? A. Oh, they are better.
- Q. Than that place in Lakeview? A. Oh, yes, they are better than they/ are in Lakeview.
- Q. And you know that from your actual experience in making sales in Irving Park? A. Yes, sir. I have got forty/ thousand dollars worth of property right there now.
- Q. What size lots do you sell in Irving Park? A. We made our lots thirty-five/ feet.
- Q. What is the size of this lot? A. I think it is thirty-seven and a half.
- 3000 Q. You say you carefully went// over this house last Saturday? A. Yes, sir.
- Q. If this house and the lot on which it is situated were located in Irving Park/ what would you consider it worth? A. Well, I have said that I sold houses that I would as soon have as low as twenty-/eight hundred dollars.
- Q. What would you consider this house worth? A. I wouldn't think it worth any more than twenty-eight hundred dollars.
- Q./ If it were in Irving Park? A. No, sir.
- 3100 Q. What would you consider that this house was worth in the fall of 1912// had it been in Irving Park? A. It was not worth any more money.
- Q. Than what? A. Twenty-five to twenty-eight hundred dollars./
- Q. Now, Irving Park is a mile or two nearer the center of the city than Lakeview, is it not? A. Yes, sir.
- Q. And/ property values are better there? A. Yes, sir.
- Q. How long ago was it that you sold this house for twenty-eight hundred dollars? A./ Oh, several years ago.
- Q. How many years ago? A. Oh, I couldn't tell you.
- Q. Three? A. It might have been.
- 3200 Q. Four, five?// A. It might have been.
- Q. Well, what? A. I couldn't give you the date.
- Q. Between five and eight years ago? A. Yes, sir./
- Q. Where was the house? A. I can give you a description of it.
- Q. You will have to give me the old-fashioned street/ numbers. A. I couldn't give you the numbers, sir.
- Q. Well, the street. A. It was just north of Irving Park Boulevard.

DIRECT EXAMINATION

- Q./ What is your name? A. Richard J. Henry.
- Q. Where do you live? A. 40 North Avenue.
- 3300 Q. How old are you? A. Twenty-nine.//
- Q. What is your business? A. Real estate broker.
- Q. Where? A. Same address.
- Q. Is that called Lakeview? A. Yes, sir.
- Q. Is it/ in Lakeview? A. In that vicinity.
- Q. How long have you been in the real estate business in that vicinity? A. About three and a/ half years.
- Q. Are you familiar with the house which is known as 80 Lorel Avenue? A. Well, to a certain extent.
- Q. Is that/ what is called Lakeview? A. They call it Lakeview. I don't know just what you call Lakeview.

WORDS

- 3400 Q. But it is in the neighborhood called// Lakeview? A. Yes.
Q. Have you seen the house? A. I have.
Q. Have you been in it? A. I have never been through it./
Q. You have never been through it? A. No.
Q. Have you examined it on the outside? A. I have.
Q. When? A. I should/ judge the last time about a month ago.
Q. What kind of a foundation has it? A. To the best that I can recollect it/ has a brick foundation.
Q. What kind of brick? A. What do you mean by kind of brick?
3500 Q. Pressed brick or common brick? A.// Common brick.
Q. Did you notice whether the brick were sound, or whether they were showing signs of decay? A. I would not say.
Q./ What is the general appearance of the house? A. In very poor condition.
Q. On the outside? A. I wouldn't consider it in very good/ condition.
Q. Were you familiar with that house in 1900? A. Yes, sir.
Q. Has the condition of that house changed in any material/ respect since 1900? A. Not very much.
3600 Q. Were you familiar with the market value of real estate in the vicinity of this property// known as 80 Lorel Avenue, in November or December of 1900, or in the fall of 1901? A. I was.
Q. Do you/ know what the frontage of the lot is? A. Around thirty-six feet.
Q. Are you familiar with the market value of frontage in that/ vicinity?
A. Well, I should judge about \$20.00.
Q. Now, are you familiar with the market value of this piece of property? A. I/ didn't get the first part of that question.
3700 Q. Can you state what was the reasonable market value of the property known as 80 Lorel// Avenue, with the lot on which it was situated, in November, 1900? A. Why, I should judge—
Q. You can answer it by yes/ or no. A. Yes.
Q. What, in your opinion, was the reasonable market value of the property in question in November, 1900? A. About/ thirty-two hundred.
Q. Thirty-two hundred what? A. Dollars.
Q. Are you familiar with other pieces of property in that vicinity?
A. I am./
Q. Do you know a house a short distance from there which is painted green? A. No, I wouldn't say that I did.
3800 Q. You// don't know what I mean? A. No.

CROSS EXAMINATION

- Q. What property have you sold during your experience of three and one-half years? A./ In that immediate vicinity?
Q. Yes. A. You don't want the numbers, do you?
Q. General location or street numbers. A. Within the radius of/ two or three blocks I have sold seven or eight pieces of property.
Q. Where was the other one? A. On 48th I have/ sold two.
3900 Q. South of Lorel? A. Yes. There are four buildings along in there.
Q. What sized houses were they? A. One is a// five-room house, another is a two-flat building, another is a five or six room, I couldn't say which.
Q. Where were those last/ three you have mentioned? One on Lake Street.
Q. How far south is that from Lorel Avenue? A. Two blocks.

WORDS

Q. State comes in there./ A. That would be three blocks.

Q. That would be in the fourth block? A. That would be three blocks south.

Q. How far is/ that from the railroad? A. Well, they range from two to three blocks west.

Q. From the railroad? A. Yes, sir.

4000

Q. They are in// sight of the railroad tracks? A. Yes.

Q. Are the streets improved between the properties you say you have sold? A. No, sir.

Q. They/ are not? A. No, sir.

Q. What is the nature of this neighborhood in which these properties are, what class of people? A. The same/ class of people as over there on Lorel.

Q. Very well. What class of people, if you can state? A. What class of people?

Q./ Are they working men? A. Not necessarily.

Q. No local shops out there? A. No, sir.

4100

Q. Do you recall the business of any of// these men that occupy these houses? A. I know one of them.

Q. Which house did he buy? A. He bought over on 47th./

Q. And near what other street? A. Near Lake.

Q. Did you superintend or build these properties? A. No, sir.

Q. What was the frontage/ of these properties that you were referring to? A. From thirty feet up.

Q. Any of them twenty-five? A. No.

Q. No twenty-five?/ A. Thirty and I think thirty-seven.

Q. What was the price of the five-room house which you referred to?

4200

A. Thirty-three hundred./

Q. What was the nature of that building? A. It was a new building.

Q. It was a new building? A. It was a new/ building.

Q. Five rooms? A. Yes.

Q. Porch in the rear and front? A. Yes.

Q. That was thirty-three hundred? A. Thirty-three hundred./

Q. How much larger by comparison? A. Well, it is considerably larger.

Q. This one on Lorel is considerably larger? A. Oh, yes.

Q. Do/ you know how many rooms there are in the Lorel House? A. Ten rooms.

4300

Q. Where did you hear? A. Well, I heard from several// different people.

Q. Who, for instance? A. Well, there was a man I sold a place to that was figuring on buying that house here/ some time back.

Q. How long back did he figure on buying the house? A. A year or two ago.

Q. A year or two/ ago? A. I have been to the house but never have been able to go in there.

Q. Have you ever talked with Mr. Evans/ regarding the house? A. I never met Mr. Evans until the other day.

4400

Q. Then comparing the five-room house at thirty-three hundred dollars// with the Lorel Avenue house, you say it is considerably larger? A. Yes.

Q. How much longer is the building? A. The house on Lorel/ Avenue is not quite as long.

Q. Any wider? A. I don't think so.

Q. In height, how is it? A. Well, in height, it/ is two or three stories.

Q. This house on Lorel is about twice as large as this house would be? A. No, not twice as/ large.

- WORDS Q. This house is 'all on one floor? A. Yes, sir.
 Q. And this is a two-story house? A. Yes.
4500 Q. Then this// house on Lorel is a full-story house? A. No.
 Q. What kind of attic? A. Just a small attic.
 Q. Not finished, is it?/ A. No.
 Q. What height is the attic? A. Of course, it slopes off from the
center.
 Q. Could you walk under it? A. Yes,/ sir.
 Q. Up straight? A. Yes, sir.
 Q. Under the ridge? A. Yes.
 Q. Under that center ridge? A. Yes.
 Q. And it slopes to/ the studding on the side? A. Yes, sir.
 Q. Have you ever sold any property between Milwaukee and Lorel
4600 and the railroad tracks? A. Not// that I can recall.
 Q. Have you ever sold property a block north of the next street north?
A. No, I have not.
 Q. How/ about the next block south, have you? A. Not that I recall.
 Q. How did you arrive at the price? A. From my idea of/ what the
property is worth.
 Q. From your idea of what the property is worth? A. Yes.
 Q. Viewing it from the outside? A. That/ is all I know.

WILLIAM T. RYAN

called as a witness on behalf of the defendant, having been first duly sworn,
deposes and says:

4700

DIRECT// EXAMINATION

by Mr. Reed

- Q. Your name is William T. Ryan? A. Yes, sir.
 Q. Where do you reside, Mr. Ryan? A. 53/8 North Pine Avenue,
Cook County.
 Q. That is in Chicago? A. Chicago, yes.
 Q. How old are you? A. Fifty-eight years old.
 Q./ What is your business? A. Real estate and building business.
 Q. Are you familiar with that part of Chicago which is known as Lake-
view? A./ Yes, sir.
 Q. How long have you been familiar with it? A. As long as it has
existed.
4800 Q. Well, about how long is that?//. A. Probably past twenty-five
years.
 Q. Now, you say you have been in the building and real estate business?
A. Yes, sir.
 Q. Explain/ what you mean by that? A. Well, I have built buildings
and I have sold buildings.
 Q. Have you bought and sold real estate? A./ Yes, sir.
 Q. For yourself? A. For myself and for others, both.
 Q. Are you familiar with the property which is known as 4/92 Lorel
Avenue, Chicago? A. Yes; I have seen the property.
 Q. You have seen the property? A. Yes, sir.
4900 Q. Have you inspected// it? A. Yes, sir.
 Q. What kind of finish is inside of it? A. There is red oak on the
first floor and pine on/ the second floor.

- WORDS Q. What kind of foundation has it? A. It has a concrete and brick foundation.
- Q. What is the condition of the/ foundation? A. The foundation is in fairly good condition.
- Q. Were you familiar with the market values of real estate in that vicinity in the/ fall of 1912? A. Yes, sir.
- 5000 Q. Can you tell us what was the fair market value of this property in November, 1912?// A. Yes.
- Q. What was it? A. About thirty-two hundred and fifty dollars.
- Q. How did you arrive at that valuation? A. Well, from/ the figuring up of the general cost of constructing the building and from the age of the building up to date.
- Q. The value of/ the lot, you mean? A. Yes.
- Q. In making that computation at what did you figure the value of the lot? A. I figured that/ the lot was worth in the neighborhood of eighteen dollars a foot.
- 5100 Q. The size of the lot is thirty-seven and a half feet?// A. Thirty-seven and a half feet.
- Q. Your office is where, Mr. Ryan? A. 56 West Washington Street.
- Q. You are in business/ for yourself? A. Yes, sir.
- Q. Under the name of Wm. T. Ryan & Company? A. Yes, sir.
- Q. What properties have you handled out/ there recently? A. Well, I have not handled any.
- Q. Well, during the last two years? A. I do not just exactly know where the/ limits of Lakeview are.
- 5200 Q. For the purpose of the record, we will consider that Lakeview is a community that lies east and west of// the Lakeview station. A. Yes.
- Q. Extending west possibly to North Avenue and east two or three blocks. A. I do not know whether that/ is right or not.
- Q. Well, take my word for it. I am not trying to trick you at all. A. I am handling just/ at the present time ten lots on Shuman Street between 43d and 44th.
- Q. East of what street? A. 43d Avenue.
- Q./ Shuman is near what main street? A. Shuman is four or five blocks north of Belmont Avenue.
- 5300 Q. Belmont is how many miles south of// Irving Park? A. Two miles.
- Q. That is a section line, is it not? A. Yes, sir.
- Q. And Irving Park Boulevard is a section/ line? A. Yes, sir.
- Q. Belmont is the one between? A. Yes.
- Q. Then this would be what? A. A half mile south of there./
- Q. Four or five blocks east and west? A. Yes, sir.
- Q. That is vacant that you have there? A. Yes, sir.
- Q. From Lakeview/ to Lorel is half a mile? A. Yes, sir.
- Q. Do you mean you closed a deal for those? A. Well, sold the ten.
- 5400 Q.// Sold the ten? A. Sold the ten.
- Q. What is the frontage worth a front foot there? A. We sold them at six hundred dollars./
- Q. How large were the lots? A. Thirty-foot lots.
- Q. That would be twenty dollars a foot? A. But they were sold by taking/ a second mortgage back without any cash payments at all.
- Q. Now, what is the car line that is going in through there? Is it/ Kedzie? A. Yes, sir.
- 5500 Q. That down in there has been vacant prairie in the past? A. Yes, sir.
- Q. A good deal of it// has. A. Yes, sir; a good deal of it has.
- Q. But they are putting buildings there? A. Lyon & Healy have built a large/ factory out there.

WORDS Q. On which side of the St. Paul tracks are these ten lots? A. They
are east.
Q. Do you recall anything/ else there in particular that you handled out
in that vicinity? A. I handled some lots on Grace Street.
Q. You handled some lots on/ Grace and Ridgeway? A. Yes.
Q. Has that street always been known as Ridgeway? A. I do not think
it has been changed.
5600 Q. Where// is that? A. That is right out in Lakeview.
5630 Q. You do business sometimes for the Assets Company? A. Oh, yes,
come in connection with/ them once in a while.

Jury Charge—Assault and Battery

WORDS Gentlemen of the Jury:

The Court instructs the jury that an assault and battery consists in an injury actually done to the person of another/ in an angry, revengeful, rude or insolent manner. Any unlawful beating of another, however slight, is an assault and battery, and the degree of bodily/ pain and injury, if the assault and battery are proven, is only important as affecting the measure of damages.

100 The Court instructs the jury that/ if you believe from the evidence that the defendants unlawfully assaulted and beat the plaintiff in the manner and form as set up by the// plaintiff's statement of claim, and that the plaintiff sustained damages thereby, then the jury are instructed that they should find a verdict in favor of/ the plaintiff and assess his damages at such sum as they believe from the evidence that he is reasonably entitled to, and in this respect/ you are further charged that it is not necessary that any sum should have been named or mentioned in the evidence. In case you find/ for the plaintiff, you will ascertain the amount of the plaintiff's
200 damages, if any, and fix such damages at such sum as you believe from// the evidence he has sustained. In case the jury believe from the evidence that the assault was wanton, reckless, or vicious and uncalled for in/ its character, then the jury may add to the actual damages, if any such they find, such a sum as they believe from the evidence/ to be reasonable and just as smart money or punishment.

300 The Court instructs the jury that as a matter of law in an action of/ assault and battery, the insult and indignity of the treatment by giving him a blow with anger, rudeness or insolence, constitutes an element of damages.// In this case, if the jury believe from the evidence the defendants committed an assault upon the plaintiff as alleged in plaintiff's statement of claim,/ then the jury may consider the aggravation of the wrong, the mental suffering and mortification of feeling of the plaintiff arising from such insult and/ indignity of the defendant's blow.

400 The Court instructs the jury that even though you should believe from the evidence that the plaintiff made the first/ assault upon the defendants or one of them, still if you further believe from the evidence that the defendants when so attacked repelled the plaintiff's// assault with more force and violence and did more injury to the plaintiff than was reasonably necessary for their own protection from injury at the/ hands of the plaintiff, then as a matter of law the defendant using such excessive force would be guilty of assault and battery, and you/ should so find by your verdict.

500 The Court instructs the jury when several persons unite in an act which constitutes a wrong, and do it/ intending at the time to commit the act, or do it under circumstances which fairly show that they intended the consequences that followed, then the// law will compel each to bear the responsibility and misconduct of all, and the party injured is at liberty to enforce his remedy against all/ or any one or more of the number.

The Court instructs the jury as a matter of law that in determining the questions of fact,/ at issue in this case you are not to consider any offers of evidence made by counsel on either side and rejected by the Court,/ nor are you to consider any evidence which the Court struck out, nor are you to consider any remark of counsel upon either side.

600 The// Court instructs the jury that as a matter of law every person has a legal right to repel an attack by the exercise of such/ reasonable force as may be, or as he may reasonably believe at the time to be, necessary to protect himself from bodily harm. This belief/ must be such as a reasonable person would ordinarily entertain under like circumstances.

WORDS The Court instructs the jury that the plaintiff must prove the case/ by
700 a preponderance of the evidence and if he does not do so, or if the evidence
is evenly balanced and the jury is unable// to say on which side the pre-
ponderance lies, then your verdict should be for the defendant.

800 The Court instructs the jury that the plaintiff in/ this case claims dam-
ages for personal injury which he claims resulted from an assault which he
alleges was made upon him by the defendants, and/ before he can recover he
must show by a preponderance of the evidence that the defendants assaulted
him without provocation on his part; and if/ you believe from the evidence
that the plaintiff attacked and struck the defendants, or either of them;
and if you further believe from the evidence// that the defendants used only
such force as they believed was necessary to defend themselves, or either of
them, from such attack, if any, provided/ you believe from the evidence that
such belief on the part of such defendant or defendants was such that an
ordinarily reasonable person would ordinarily/ entertain under like circum-
stances, then neither of the defendants is liable for any damages resulting
from the exercise of such necessary force in self-defense./

900 I have given you several forms of verdict. You may find both of the
defendants not guilty, and you may find both of the defendants// guilty,
and you may find one of the defendants guilty and the other not guilty. If
you find both of these defendants guilty you will/ use this form: "We the
jury finds the defendants guilty and assess the plaintiff's damages at Blank
dollars (filling therein the right amount of your/ verdict)." If you find the
defendant, George B. Strong, guilty, you will use this form: "We the jury
find the defendant, George B. Strong, guilty/ and assess the plaintiff's dam-
ages at Blank dollars (filling therein the right amount of your verdict)." If
1000 you find the defendant, Benjamin Strong, guilty, you// will use this form:
"We the jury find the defendant, Benjamin Strong, guilty and assess the
plaintiff's damages at Blank dollars (filling therein the right/ amount of
your verdict)." If you find Benjamin Strong not guilty and George B.
Strong not guilty, you will use this form: "We the jury/ find the de-
fendants not guilty."

1068 *The Court:* The jury will retire with the bailiff to consider the verdict.

Jury Charge—Employers' Liability

WORDS

These instructions, gentlemen of the jury, are given you as the law in this case.

100

The Court instructs the jury that there can be no/ recovery by the plaintiff under the second count of his declaration; that is to say, under the allegation that the defendant failed to furnish a/ scaffold upon which to do his work, that where a master confers authority upon one of his employes to take charge and control of a/ certain class of workmen in carrying on some particular branch of his business, such employe in governing and directing the movements of the men under// his charge with respect to that branch of the business is the direct representative of the master and is not a mere fellow-servant; and/ all the commands given by him within the scope of his authority are in law the commands of the master; if he is guilty of/ negligent and unscrupulous exercise of his power and authority over the men in his charge, it is in law the same as though the master/ himself was guilty of such conduct.

200

The answers which you gave as to your qualifications to act as jurors, that is, your fairness to judge,// lack of prejudice and sympathy, and upon the faith of which you were deemed worthy and able to sit in judgment on this case, are/ as binding on you now as they were then and will continue to be until you are discharged.

You are instructed that if you believe/ from the evidence that the plaintiff and defendant were both negligent and both contributed directly to cause the injury to the plaintiff, then the plaintiff/ cannot recover and you should find the defendant not guilty.

300

You are further instructed that the mere fact that the defendant has introduced no evidence// by way of defense is not to raise a presumption in your mind as to the guilt of said defendant, but the plaintiff is held/ to the same strictness of proof of the allegation of his declaration as if the defendant had introduced evidence.

If you find that the plaintiff/ was injured as the result of the accident, resulting either from the negligence of the plaintiff or from the negligence of the defendant, you should/ find the defendant not guilty.

400

The Court instructs the jury that in deliberating on your verdict you should first consider the question whether or not// the plaintiff under the evidence and instructions of the court is entitled to recover anything from the defendant, and in that connection the question of/ damages, if any there be, suffered by the plaintiff is not properly to be considered.

The Court instructs the jury that if you find from/ the evidence that the plaintiff assumed the risk, hereafter defined to you, of the conditions and dangers resulting in his injury, he cannot recover in/ this case.

500

You are instructed as a matter of law that the defendant in this case as the employer of the plaintiff was not an// insurer of his safety; that the defendant in this connection is only responsible for its negligence; that no presumption of negligence on the part of/ the defendant arises from the mere fact that the plaintiff was injured while in its employ. The plaintiff holds the affirmative in this case and/ before he can recover against the defendant he must prove by a preponderance of the evidence all the following propositions:

600

First, that the injury to/ the plaintiff was caused by the negligence of the defendant as hereinafter defined and in the manner as set out in some one of those// counts of the plaintiff's declaration left by the Court to your consideration; and

Second, that the plaintiff was in the exercise of ordinary care and/ caution for his own safety, and that no negligence or lack of care on his part contributed to his injury; and

WORDS Third, that the plaintiff/ did not assume the risk as hereinafter defined in these instructions.

700 You are further instructed as a matter of law that if the plaintiff has/ failed to prove each and all of these propositions by a preponderance of the evidence or if the preponderance of the evidence is with the// defendant on any one of them, or if it is equally balanced between the plaintiff and the defendant on any one of them, then you/ should find the defendant not guilty.

800 In considering the question whether or not the plaintiff assumed the risk, the Court instructs the jury that the/ plaintiff is chargeable with a knowledge of the conditions that were open and obvious to him, and that if a danger was such that a/ person of the age and experience of the plaintiff and of ordinary intelligence would know or ought to have known that the danger would naturally// follow from said conditions, he cannot be heard to say that he did not know the danger; and if you find that he did know/ the conditions, or that they were open and obvious to him, and that the danger was such that one of his age, experience and intelligence/ would know to be connected with the conditions in question, then the plaintiff cannot recover, unless the act he was doing at the time was/ the result of a specific order; and further, unless the order misled him into the belief that the act in question did not have incident// to it the dangers on account of which he was subsequently injured; and further, unless after that order was given he would not under the/ circumstances in the exercise of ordinary care and in the ordinary use of his faculties have incurred the dangers imminent by reason of the performance/ of the specific order, unless you so find, you will find the defendant not guilty.

1000 It is your duty to consider the case without reference/ to the fact that the defendant is a corporation and the plaintiff an individual, but you should consider it solely upon the evidence under the// law as laid down by the Court the same as if it were a suit between two individuals.

1100 Gentlemen, after you have arrived at your/ verdict, you will use one of these two forms: if you find for the plaintiff—that is, if your verdict is for the plaintiff—you/ will use this form: "We, the jury, find the defendant guilty and assess the plaintiff's damages at the sum of Blank dollars," filling in the/ blank space by writing in the amount that you may agree upon from the evidence. If, on the other hand, your verdict is for the// defendant, the form of your verdict will be: "We, the jury, find the defendant not guilty."

1116

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